

Landlord and Tenant (Ireland) Act, 1870, Amendment.

ARRANGEMENT OF CLAUSES.

Clause.

1. Residential tenant entitled to compensation under Landlord and Tenant Act may, on being disturbed, propose to continue in possession at old rent, or a fair rent.
2. Tenant to continue at old rent unless landlord serves notice that he will accept a fair rent determined by court.
3. On service of such notice a dispute will have arisen on the amount of rent.
4. Court in estimating rent shall allow for improvements.
5. This rent to be considered the fair rent for ten years.
6. Court may require evidence, adjourn, or award costs.
7. Tenant disturbed for subdivision or sub-letting does not come under this Act.
8. Sub-tenant may only avail himself of section one if his immediate landlord neglects to do so.
9. Court means civil bill court.
10. Judge or chairman has same powers as in Land Act, 1870.
11. Appeals same as in Land Act.
12. Powers to make rules, forms of notices, mode of proceeding, &c.
13. Meaning of terms in Act.
14. Act may be amended.
15. Act incorporated with Irish Land Act.
16. Act to extend to Ireland only.

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TO

Amend the Landlord and Tenant (Ireland) Act, 1870.

A.D. 1874.

WHEREAS it is expedient further to amend the law relating to the occupation and ownership of land in Ireland:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Where the tenant of any residential holding entitled to compensation under section three of the Landlord and Tenant (Ireland) Act, 1870, but who does not seek compensation under any section of such Act, is disturbed in his residential holding by the act of the landlord, he may and shall be entitled within the prescribed time to serve a notice in writing (herein-after called a statutable notice) in the prescribed form on the landlord or his known agent proposing to continue in possession of such holding as a tenant from year to year on the terms he had previously held same at the old rent, or at a fair rent to be estimated by the court.

Residential tenant entitled to compensation under Landlord and Tenant Act may, on being disturbed, propose to continue in possession at old rent or a fair rent.

2. On the service of the statutable notice, any notice to quit previously served on the tenant in respect of such holding shall be null and void so far as same affects such holding, and the landlord shall be deemed to have accepted the offer of the tenant to continue in possession of such holding on such the aforesaid terms at the old rent unless within the prescribed time, and in the prescribed manner, the landlord serves a notice on the tenant that he accepts the offer of the tenant to continue in occupation of such holding on the proposed terms at a rent to be determined by the court.

Tenant to continue at old rent unless landlord serves notice that he will accept a fair rent determined by court.

3. On the service of the notice by the landlord on the tenant that the amount of the rent is to be determined by the court, a dispute shall be deemed to have arisen between the landlord and

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[Bill 20.]

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A.D. 1874.

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the tenant as to the amount of such rent, and shall be determined by the court, unless within the time, and in the manner prescribed in that behalf, it shall be settled by agreement between the landlord and the tenant.

4. The court, in estimating the amount of rent to be paid by 5
the tenant, shall make an allowance in favour of the tenant for the
increase (if any) in the value of the holding arising from any
improvements executed by the tenant or his predecessors in title
for which he would be entitled to compensation under section four
of the Landlord and Tenant (Ireland) Act, 1870. 10

5. When the court shall have fixed the amount of the fair rent
to be paid by the tenant to the landlord for a residential holding,
such shall, for the period of ten years from the date of determining
same, on the occurrence of any fresh dispute between the landlord
and the tenant, be considered by the court as the fair rent to be 15
paid by the tenant.

6. The court, in determining the amount of the fair rent, shall
have full power to require the production of such witnesses and
such evidence as it shall consider proper or necessary, in addition
to any that may be produced by the landlord or the tenant, and for 20
such purpose shall, when necessary, adjourn the hearing of the
dispute, and the court shall have full power to give or withhold the
costs in any proceedings under this Act.

7. No tenant shall be entitled to the benefit of section one of
this Act who is disturbed in his residential holding by the Act of 25
the landlord for assigning to more than one person or for sub-letting
without the consent of the landlord in writing after the passing of
this Act.

8. A sub-tenant dwelling on a portion of a residential holding
who shall be disturbed by the act of other than his immediate 30
landlord shall not be entitled to serve a statutable notice under
section one of this Act until after his immediate landlord shall have
neglected to serve such notice within the prescribed time, when the
sub-tenant shall be entitled to serve a statutable notice under
such section with respect to the residential holding which he may 35
occupy within the time prescribed in that behalf.

9. For the purposes of this Act the court shall mean the civil
bill court of the county where the matter requiring the cognizance
of the court arises. Where a matter requiring the cognizance of
the court arises in respect of a holding situate within the jurisdiction 40

of more than one civil bill court, any civil bill court within the jurisdiction of which any part of the holding is situate may take cognizance of the matter. A.D. 1874.

10. The judge of the civil bill court (hereinafter called the chairman) shall in all cases brought before him under the provisions of this Act have power to take evidence upon oath, and to compel the attendance of witnesses, and shall have all and the same powers, jurisdiction, and authority, as in all matters of dispute coming within his jurisdiction as such judge under the provisions of the Landlord and Tenant (Ireland) Act, 1870. *Judge or chairman has same powers as in Land Act, 1870.*

11. Any person aggrieved by any order of the chairman made under this Act, may appeal therefrom in like manner, and upon the like terms and stipulations, as appeals in other cases are allowed to be brought under the first part of the Landlord and Tenant (Ireland) Act, 1870. *Appeals same as in Land Act.*

The judges to whom any such appeal may be made may, where they deem it expedient, reserve any matter or question arising upon such appeal by way of case stated for the consideration of the Court for Land Cases Reserved at Dublin in like manner, and upon the like terms and stipulations, as cases are allowed to be reserved under the first part of the Landlord and Tenant (Ireland) Act, 1870.

12. The Court for Land Cases Reserved, or any five of the judges of the said court (the Lord Chancellor, or Master of the Rolls, Lord Justice of Appeal, or Vice-Chancellor, or one of the chief judges of the common law courts being one) may from time to time make, and when made may rescind, annul, or add to rules with respect to the following matters:— *Powers to make rules, forms of notices, mode of proceeding, &c.*

1. The form of notices to be served by landlord or tenant under this Act, and the time within which same are to be served.
2. The proceedings in the civil bill court, and the proceedings for determining the amount of rent by agreement under this Act.
3. The proceedings in appeals under this Act.
4. The proceedings in cases reserved under this Act.
5. The circulation of forms and directions as to the mode in which this Act is to be carried into execution.
6. The scale of costs and fees to be charged in carrying this Act into execution, and the taxation of such costs and fees, and the persons by or from whom and the manner in which such costs and charges are to be paid or deducted, subject never-

A.D. 1874.

theless to the sanction of the Treasury as to the amount of
fees to be charged.

7. The service of notice on incumbancers and other persons
interested, and any other matter by this Act directed to be
prescribed.

8. As to any other matter or thing, whether similar or not to
those above mentioned, in respect of which it may be expe-
dient to make rules for the purpose of carrying this Act into
effect.

Any rules made in pursuance of this section shall be deemed to
be within the powers conferred by this Act, and shall be of the
same force as if enacted in this Act, and shall be judicially noticed.

Any rules made in pursuance of this section shall be laid before
Parliament within three weeks after they are made, if Parliament
be then sitting, and if Parliament be not then sitting, within three
weeks after the beginning of the then next session of Parliament.

Meaning of
terms in Act.

13. In the construction of this Act the following words and
expressions shall have the force and meaning hereby assigned to
them, unless there be something in the subject or context repugnant
thereto—

The term "residential holding" shall mean any land which is
agricultural or pastoral in its character, or partly agricultural
and partly pastoral, held by the same tenant of the same
landlord for the same term and under the same contract of
tenancies, and on which there is a house or habitation in which
the tenant ordinarily resides.

The terms "landlord," "tenant," "county," "improvements,"
shall have same meaning as in section seventy of the Landlord
and Tenant (Ireland) Act, 1870.

The term "prescribed" shall mean prescribed by any rules made
in pursuance of this Act.

The term "Court for Land Cases Reserved" shall have the same
meaning as that assigned to it in section twenty-four of the
Landlord and Tenant (Ireland) Act, 1870.

Act may be
amended.

14. This Act may be amended or repealed by any Act to be
passed in this session of Parliament.

Act incor-
porated with
Irish Land
Act.

15. This Act shall be construed and dealt with as part of the
Landlord and Tenant (Ireland) Act, 1870, as amended by the
thirty-fourth and thirty-fifth Victoria, chapter ninety-two, and the

thirty-fifth and thirty-sixth Victoria, chapter thirty-two. Nothing A.D. 1874.
in this Act contained shall in any manner impair or affect the
provisions of the Landlord and Tenant (Ireland) Act, 1870.

16. This Act shall only extend to Ireland.

Act to
extend to
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Landlord and Tenant
(Ireland) Act, 1870,
Amendment.

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B I L L

To amend the Landlord and Tenant
(Ireland) Act, 1870.

*(Presented and brought in by
Captain Asher, Sir John Gregg, Mr. Mellows,
and Mr. Tyshe.)*

*Ordered, by The House of Commons, to be Printed,
20 March 1874.*

[Bill 20.]

Under 1 oz.